

**Frederick County Ethics Commission**  
**Minutes for the Public Meeting of Wednesday, August 10, 2016**

Present:        Brian Duncan, Chair  
                 Stephen K. Hess, Vice Chair  
                 Timothy Tosten, Commission Member  
                 Ernest A. Heller, Alternate Commission Member  
                 Linda B. Thall, Senior Assistant County Attorney

Absent:         Christopher Glass, Sr., Commission Member

The meeting of the Frederick County Ethics Commission began at 7:00 p.m. on August 10, 2016, in the Winchester Room on the 2<sup>nd</sup> floor of Winchester Hall, 12 East Church Street, Frederick, Maryland 21701.

**Approval of the Minutes** – Prior to the meeting, the members received the draft minutes for the meeting held on July 13. The members had no changes to the minutes.

**MOTION:**    Mr. Hess made a motion to approve the minutes as drafted. Mr. Tosten seconded the motion, which was approved by unanimous consent.

**Approval and execution of Commission decisions** – Drafts of two decisions on complaints pending before the Commission were distributed to the members before the meeting. There were no changes to either decision. The decisions were signed by the Vice Chair, as the Chair recused himself from participation in the decisions on the two complaints.

**Approval of revisions to the Standard Operating Procedures, subpoena form and instructions** – The Commission previously posted the draft of the SOP and attachments on the Commission's website with a deadline of July 27, 2016, for comments. Written comments were received from Linda Norris-Waltdt, the Chair of the Ethics Task Force, and Thomas Gill, a member of the Ethics Task Force. A revised draft incorporating their recommendations as well as changes suggested by the Senior Assistant County Attorney was distributed to the Commission members at the meeting and the members discussed those changes.

**MOTION:**    Mr. Hess made a motion to approve the SOP and attachments as revised in the draft circulated to the members at the meeting. Mr. Tosten seconded the motion, which was approved by unanimous consent.

**Discussion of the Public Ethics Law and a letter from the County Executive asking for Commission input on items to include in the County's 2017 legislative package for the General Assembly**

– The Commission discussed suggestions for possible amendments to the Public Ethics Law that the Commission could recommend. One suggestion was to amend Section 5-862(b)(1) of the Law so that it reads “A person that knowingly and willfully violates this part is guilty of a misdemeanor and on conviction by a court of law is subject to imprisonment not exceeding 6 months or a fine not exceeding \$1,000 or both.” (The suggested new language is underlined.) Mr. Duncan agreed to check with other jurisdictions with similar laws and report back on what penalties those counties had the authority to impose. The Commission also wanted to know what changes to the Public Ethics Law were suggested by the Ethics Task Force. This information was requested before or at the Commission's next meeting. The Commission members agreed to recommend a change to Section 5-857(k). That subsection provides that an application is considered pending for two years after the application is accepted or thirty days after the governing body takes final action on the application or the application is withdrawn. The Commission believes that the two year provision is too short. Mr. Duncan volunteered to discuss this with Gary Hessong, the Director of the Department of Permits and Inspections. The Commission also felt that the thirty day requirement in this Section should be changed to “thirty days unless appealed.” The Commission discussed whether campaign contributions from PACs should be included, but decided not to recommend that change. In Section 5-861(b)(2), the Chief Administrative Officer is to prepare summary reports of affidavits and disclosures. The Commission recommends that the law be amended to make the requirement applicable to the “Chief Administrative Officer or designee.” The Commission also noted that the Law requires that the summary reports be provided at least two times a year and asked that the Chief Administrative Officer be advised of the Commission's desire to receive the reports twice a year, as currently provided in the Law.

**Distribution of financial disclosure statements** – The Commission members received electronic copies of the 2016 financial disclosure statements filed by the County Executive, the County Council Members, members of designated County Boards and Commission and designated County employees. The members were asked to complete their review before the September Commission meeting.

**Adjournment**

The Ethics Commission adjourned its meeting at 8:12 p.m.

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Linda B. Thall, Senior Assistant County Attorney